

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

CW, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	CASE NO. 3:10-cv-00087-PPS-CAN
	)	
TEXTRON, INC.,	)	
	)	
Defendant.	)	

**Textron's Motion in Limine To Exclude  
the Report and Testimony of Plaintiffs'  
Expert Witness, Dr. Vera S. Byers**

Defendant Textron, Inc. hereby moves *in limine* to exclude from evidence the expert report of Plaintiffs' witness, Dr. Vera S. Byers ("Byers"), dated August 17, 2011, and to bar all testimony at trial by Byers. Byers was retained by Plaintiffs to assert that the Plaintiffs have an increased risk of cancer, immunological deficiencies, and gastrointestinal issues as a result of their alleged exposure to vinyl chloride.

Byers' opinions do not satisfy the criteria for admissibility under Rule 702 of the Federal Rules of Evidence and the Supreme Court's decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Byers provides no support for her causation opinions that vinyl chloride can and did cause the health symptoms Plaintiffs allege. In addition, Byers fails to perform a reliable and complete differential diagnosis, as would be required to establish that vinyl chloride caused Plaintiffs' alleged medical conditions. Byers' testimony shows that she assumed from the outset that Plaintiffs' injuries were caused by vinyl chloride before knowing anything about their alleged exposure. As a result, although she refers to performing a differential diagnosis, it is merely lip service as she was determined to find vinyl

chloride as a cause regardless of any other evidence that was available. Accordingly, as explained more fully in Textron's concurrently filed brief, Plaintiffs should not be permitted to present any evidence pertaining to those opinions.

Respectfully submitted,

/s/ Frank J. Deveau

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 1, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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